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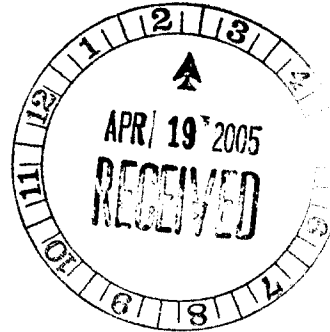
WRITER'S DIRECT NUMBER
(202) 736-8198

WRITER'S E-MAIL ADDRESS
thynes@sidley.com

April 19, 2005

By Hand Delivery

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423



Re: Docket No. AB-70 (Sub-No. 4X), *Florida East Coast Railway, L.L.C.—
Abandonment Exemption—In Miami-Dade County Florida*

Dear Secretary Williams:

Enclosed for filing on behalf of Florida East Coast Railway, L.L.C. ("FEC") in the above-captioned matter are an original and ten (10) copies of FEC's Petition for Exemption, and three CD-ROMs containing electronic versions of the Petition. Also enclosed is FEC's filing fee of \$5,000.00.

Please acknowledge receipt of this Petition for filing by date-stamping the enclosed extra copies and returning them via our messenger. If you have any questions, please contact the undersigned counsel. Thank you for your time and attention to this matter.

Sincerely,

Terence M. Hynes
Gabriel S. Meyer

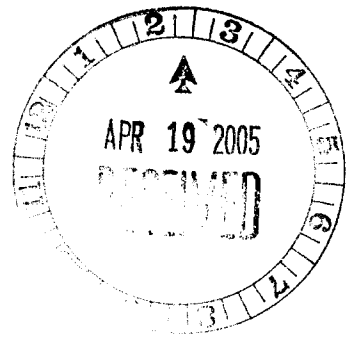
ENTERED
Office of Proceedings
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TMH:aat
Enclosures

cc: Marlene Hammock

FEE RECEIVED
APR 19 2005
SURFACE
TRANSPORTATION BOARD

FILED
APR 19 2005
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-70 (Sub-No. 4X)

**FLORIDA EAST COAST RAILWAY, L.L.C.
—ABANDONMENT EXEMPTION—**

**IN MIAMI-DADE COUNTY, FLORIDA
(SOUTH LITTLE RIVER BRANCH LINE)**

PETITION FOR EXEMPTION

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Public Record

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APR 19 2005

**SURFACE
TRANSPORTATION BOARD**

**Heidi Eddins
Marlene Hammock**
Florida East Coast Railway, LLC
1 Malaga Street
St. Augustine, Florida 32084
(904) 829-3421

**Terence M. Hynes
Gabriel S. Meyer**
Sidley Austin Brown & Wood LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
(202) 736-8711 (fax)

Attorneys for Florida East Coast Railway, L.L.C.

Dated: April 19, 2005

FILED
APR 19 2005
**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-70 (Sub-No. 4X)

**FLORIDA EAST COAST RAILWAY, L.L.C.
—ABANDONMENT EXEMPTION—**

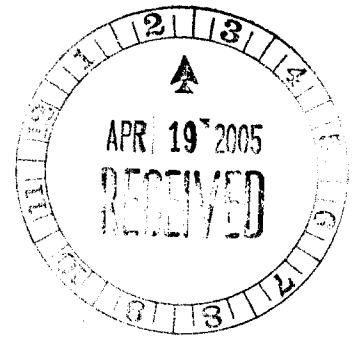
**IN MIAMI-DADE COUNTY, FLORIDA
(SOUTH LITTLE RIVER BRANCH LINE)**

PETITION FOR EXEMPTION

I. INTRODUCTION

Pursuant to 49 U.S.C. § 10502 and the Board's regulations at 49 C.F.R. § 1121 and § 1152.60, Florida East Coast Railway, L.L.C. ("FEC") hereby petitions the Board for an exemption from the prior approval requirements of 49 U.S.C. §§ 10903 *et seq.* to permit FEC to abandon rail service over a portion of its South Little River Branch Line ("SLR Branch"), from milepost LR 13.0 ± to milepost LR 18.0 ±, a total distance of approximately 5 miles within Miami-Dade County, Florida.

There are two rail shippers on the line proposed for abandonment: Best Truss Company ("Best Truss") and Gulfside Supply, Inc. ("Gulfside"). Best Truss currently uses motor carriers to meet most of its transportation needs. To the extent that Best Truss presently uses rail service, it receives shipments at FEC's nearby 16th Street Public Unloading Facility ("16th Street Facility"), where rail shipments are transloaded to truck for the final leg of the journey to Best Truss' facility. Best Truss has advised FEC that it does not oppose the proposed abandonment. *See* Exhibit 2. Gulfside does not currently ship by rail, but has done so to a limited extent in the past. Gulfside has also indicated that it does not oppose the proposed abandonment. *See* Exhibit 3.



II. BACKGROUND INFORMATION

A. Description Of The Carrier And Its Representatives

FEC is a Class II rail carrier subject to regulation under 49 U.S.C., Subtitle IV, Chapter 105. FEC owns and operates approximately 350 miles of rail lines, all located within the State of Florida. The names, addresses, and telephone numbers of FEC's counsel are:

Heidi Eddins
Marlene Hammock
Florida East Coast Railway, LLC
1 Malaga Street
St. Augustine, Florida 32084
(904) 829-3421

Terence M. Hynes
Gabriel S. Meyer
Sidley Austin Brown & Wood LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
(202) 736-8711 (fax)

B. Line Location, Zip Code Information, And Map

The proposed abandonment involves a portion of FEC's SLR Branch extending from milepost LR 13.0 \pm to milepost LR 18.0 \pm , a total distance of approximately 5 miles within Miami-Dade County, Florida. The SLR Branch traverses the following zip codes: 33143, 33144, 33155, and 33156. There are no stations or terminals located on the portion of the SLR Branch proposed for abandonment. *See* FEC System Diagram Map filed December 28, 2004. A map depicting the SLR Branch is attached to this Petition as Exhibit 1.

C. History Of The Line, Shippers, Traffic Information, And Reasons For Abandonment

Most of the SLR Branch was constructed by FEC in 1932. The line traverses commercial, industrial, medium and rural residential areas of Miami-Dade County, Florida. The SLR Branch has been used by FEC primarily to serve local shippers. *See* Exhibit 6, Combined Environmental and Historic Report at 11. FEC does not transport any overhead traffic on the

SLR Branch, and it is unaware of any potential new source of local rail traffic from businesses located on the portion of the SLR Branch proposed for abandonment.

The only current shippers on the portion of the SLR Branch proposed for abandonment are Best Truss and Gulfside. Best Truss, whose facility is located at milepost LR 15.2±, manufactures and sells roof trusses. Best Truss received a total of 35 inbound rail cars during 2002, 33 inbound rail cars during 2003, and 32 inbound rail cars during 2004. Best Truss had no outbound rail traffic during this time period. Gulfside, whose facility is located at milepost LR 15.0±, is a roofing material distributor. Gulfside began shipping by rail in 2003, and received a total of 5 inbound rail cars during 2003 and 23 inbound rail cars during 2004. Gulfside had no outbound traffic during this time period.

In August 2004, FEC was forced to embargo the SLR Branch due to the need to perform emergency bridge repair work at Milepost LR 12.23±, a point on the SLR Branch located north of the segment proposed for abandonment. *See* Exhibit 4, Embargo Notice dated August 17, 2004. The temporary closure of that bridge cut off rail access to the portion of the SLR Branch proposed for abandonment. In response to the embargo, Best Truss shifted its traffic to a rail-truck transload movement via FEC's 16th Street Facility, while Gulfside discontinued its use of rail service. When FEC completed the bridge repairs in February 2005, it lifted the embargo, and resumed direct rail service to Century Everglades, L.L.C. (d/b/a Everglades Lumber), whose facilities are located at Milepost LR 12.8±, north of the segment proposed for abandonment. *See* Exhibit 5, Embargo Cancellation dated February 11, 2005. Following the lifting of the embargo, Best Truss continued to route its traffic via FEC's 16th Street Facility, while Gulfside did not resume its use of rail service. As a result, no rail traffic has moved on the portion of the SLR Branch proposed for abandonment since August 2004. As stated above, both Best Truss and Gulfside have been notified of the proposed abandonment, and have advised FEC that they do

not oppose it. *See* Exhibits 2, 3. The proposed abandonment would not affect continued rail service to Everglades Lumber.

The portion of the SLR Branch proposed for abandonment is in poor physical condition, and in need of substantial rehabilitation. Track conditions currently restrict train speed to five miles per hour. Several grade crossing protection devices located along the portion of the SLR Branch proposed for abandonment are inoperative and would need to be replaced in order to support long-term rail service on the line. Rehabilitating the portion of the SLR Branch proposed for abandonment would require substantial track work (including cross tie replacement and resurfacing, and reconstruction of an 85-foot bridge) at an approximate cost of \$2.27 million. An additional expenditure of \$1.67 million would be required to rehabilitate rail crossings and inoperative warning devices on the line. Thus, FEC estimates that the total cost of rehabilitating the line would be approximately \$3.94 million. The minimal volume of rail traffic from Best Truss and Gulfside – which collectively amounts to approximately one rail car per week – and the absence of any known source of additional rail traffic on the line, do not justify the expense of rehabilitating the portion of the SLR Branch proposed for abandonment.

D. Land Area, Federal Grant Information, And Public Use

The SLR Branch's right-of-way is generally 100 feet in width and runs through commercial, industrial, medium and rural residential areas of Miami-Dade County, Florida. The topography of the land is generally flat. The portion of the SLR Branch proposed for abandonment may be suitable for other public use, including interim trail use. The line contains no reversionary property. Based upon information in FEC's possession, the portion of the SLR Branch proposed for abandonment does not contain federally granted rights-of-way. Any documentation in FEC's possession will be made available to persons requesting it.

III. ARGUMENT

A rail carrier may not abandon a line unless the Board determines that the public convenience and necessity require or permit it. 49 U.S.C. § 10903(d). However, under 49 U.S.C. § 10502, the Board must exempt a proposed abandonment from formal regulation under § 10903 when it finds that (1) such regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101, and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power. 49 U.S.C. § 10502(a). FEC's proposed abandonment of a portion of the SLR Branch clearly satisfies these criteria for exemption.

A. Regulation Of The Proposed Abandonment Is Not Necessary To Carry Out The Rail Transportation Policy Of 49 U.S.C. § 10101

Regulation of the proposed abandonment is not necessary to carry out any provision of the rail transportation policy set forth at 49 U.S.C. § 10101. The requested exemption will minimize the need for Federal regulatory control over the rail transportation system (49 U.S.C. § 10101(2)), and provide for the expeditious handling and resolution of proceedings required or permitted to be brought before the Board (49 U.S.C. § 10101(15)). An exemption will also promote a safe and efficient rail system by assisting FEC in its efforts to remain profitable and to earn adequate revenues (49 U.S.C. § 10101(3)). Granting FEC's Petition for Exemption will facilitate the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes of transportation (49 U.S.C. § 10101(4)). It will free FEC from the burden of rehabilitating and maintaining a physically deteriorated and economically nonviable branch line segment, and will permit FEC to direct its resources toward providing efficient and competitive rail service on other parts of its rail system. *See* Docket No. AB-103 (Sub-No. 17X), *The Kansas City Southern Ry. Co. – Abandonment Exemption – In Jackson County, MO* (July 26, 2004) at 2; Docket No. AB-290 (Sub-No. 248X), *Norfolk*

Southern Ry. Co. – Abandonment Exemption – In Washington County, NC (July 23, 2004) at 2. Approval of this Petition for Exemption will reduce regulatory barriers to exit (49 U.S.C. § 10101(7)) by minimizing the administrative expense to FEC of obtaining abandonment authority. *See, e.g.,* Docket No. AB-6 (Sub-No. 09X), *The Burlington Northern and Santa Fe Ry. Co. – Abandonment Exemption – In Jefferson, Thayer and Nuckolls Counties, NE* (July 23, 2004) at 3. Granting the proposed exemption would not deprive any active rail shipper on the portion of the SLR Line proposed for abandonment of access to continued rail service. Best Truss has shifted its traffic to a rail-truck service via FEC’s 16th Street Facility, while Gulfside has discontinued its use of rail service.

B. The Proposed Abandonment Is Of Limited Scope

FEC’s proposed abandonment is clearly limited in scope, within the meaning of 49 U.S.C. § 10502(a)(2)(A).¹ The line proposed for abandonment is a 5-mile segment of an FEC branch line that has had no rail traffic since August 2004 and generated only one rail car per week prior thereto. The proposed abandonment will not deprive any active FEC customer of access to rail service.

C. Regulation Of The Proposed Abandonment Is Not Necessary To Protect Shippers From An Abuse Of Market Power

Even if the Board does not find that the proposed abandonment satisfies the “limited scope” test of § 10502(a)(2)(A), it must nevertheless grant this Petition for Exemption because regulation of the transaction clearly is not needed to protect any shipper from an abuse of market power. The two rail shippers on the line, Best Truss and Gulfside, will continue to have access to rail service via FEC’s 16th Street Facility. As Best Truss’ current use of both truck and rail-

¹ While the proposed discontinuance satisfies both tests set forth in § 10502(a)(2) – *i.e.*, it is both limited in scope, and does not create the potential for any abuse of market power – the Board need only make one of those two findings in order to exempt the transaction from regulation. *Railroad Consolidation Procedures—Trackage Rights Exemption*, 1 I.C.C.2d 270, 277 (1985).

truck transload service indicates, motor carrier service and rail-truck service are viable competitive alternatives for it. Likewise, Gulfside's exclusive use of truck service for its current transportation needs demonstrates that motor carrier service is a viable competitive alternative for it. *See* Docket No. AB-33 (Sub-No. 154X), *Union Pacific R. Co—Abandonment Exemption—In Smith, Phillips and Norton Counties, KS* (Dec. 13, 2000) at 3 (“Regulation . . . is not necessary to protect shippers from the abuse of market power because alternative rail and motor carrier service is available and no shipper has objected to the proposed discontinuance of service and abandonment.”).

IV. OTHER REQUIREMENTS

A. Labor Protective Conditions

FEC anticipates that the proposed abandonment will have little, if any, impact on FEC employees. However, because the Board may not use its exemption authority to relieve a carrier of its statutory duty to protect the interests of its employees (49 U.S.C. § 10502(g)), FEC recognizes that the Board will impose the labor protective conditions adopted in *Oregon Short Line R. and Union Pacific R.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), to protect the interests of FEC employees who may be adversely affected by the proposed abandonment.

B. Environmental Report

Pursuant to 49 C.F.R. § 1105.7, an Environmental Report is attached to this Petition as Exhibit 6. As required by 49 C.F.R. § 1105.7 (b), FEC has served copies of the Environmental Report upon all parties required to receive such notice. *See* Exhibit 9 (Certificate of Service).

C. Historic Report

Pursuant to 49 C.F.R. § 1105.8, a Historic Report addressing historically significant aspects of the SLR Branch is attached to this Petition as Exhibit 6. As required by 49 C.F.R. § 1105.8 (c), FEC has served copies of the Historic Report on all persons required to receive such notice. *See* Exhibit 9 (Certificate of Service).

The only response to the Environmental Report and the Historic Report received by FEC is attached to this Petition as Exhibit 7.

D. Newspaper Publication of Notice

FEC has attached the required newspaper publication pursuant to 49 C.F.R. § 1105.12.

See Exhibit 8.

E. Federal Register Notice

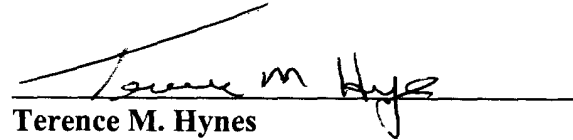
FEC has attached the required draft Federal Register Notice, pursuant to 49 C.F.R.

1152.60(c). *See Exhibit 10.*

V. CONCLUSION

For all of the foregoing reasons, FEC respectfully requests that, pursuant to 49 U.S.C. § 10502, the Board exempt the proposed abandonment from the prior approval requirements of 49 U.S.C. §§ 10903 *et seq.*

Respectfully submitted,



Terence M. Hynes

Gabriel S. Meyer

Sidley Austin Brown & Wood LLP

1501 K Street, N.W.

Washington, D.C. 20005

(202) 736-8000

(202) 736-8711 (fax)

Attorneys for Florida East Coast Railway, L.L.C

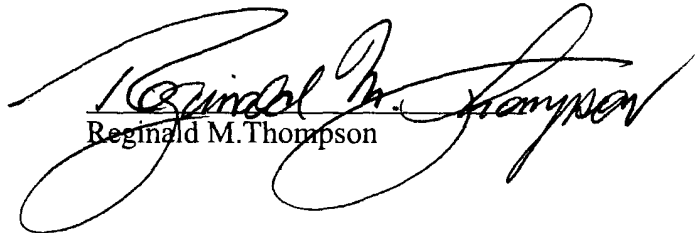
Heidi Eddins
Marlene Hammock
Florida East Coast Railway, LLC
1 Malaga Street
St. Augustine, Florida 32084
(904) 829-3421

Dated: April 19, 2005

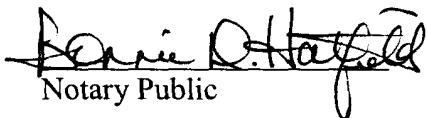
VERIFICATION

STATE OF FLORIDA)
)
COUNTY OF ST. JOHNS)

Reginald M. Thompson, being duly sworn, states that he is the Vice-President - Carload Marketing and Sales of Florida East Coast Railway, L.L.C., that he is authorized to verify and file with the Surface Transportation Board the foregoing Petition for Exemption in STB Docket No. AB-70 (Sub-No. 4X) on behalf of Florida East Coast Railway, L.L.C.; that he has carefully examined all of the statements in the Petition for Exemption as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the Petition for Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Reginald M. Thompson

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named,
this 15 day of April, 2005.


Notary Public

My Commission expires: 10/30/07

BONNIED. HATFIELD
Notary Public, State of Florida
My comm. expires Oct. 30, 2007
Comm. No. DD 263480

CERTIFICATE OF SERVICE
PETITION FOR EXEMPTION

The undersigned hereby certifies that the Petition for Exemption, Docket No. AB 70 (Sub-No. 4X), Florida East Coast Railway, L.L.C. – Abandonment Exemption – In Miami Dade County, Florida (South Little River Branch Line) was mailed via U.S. mail on April 19, 2005 to the following agencies:

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida
32399-0850

José Abreu
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

SDDCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Mr. Dale Bosworth
Chief of the Forest Service
U.S. Department of Agriculture
Yates Building
201 14th Street, S.W.
Washington, D.C. 20024

Ms. Laura P. Milligan
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Sally B. Mann
Director, Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Mr. Joe Martinez
Chairman
Board of County Commissioners
Miami-Dade County
111 N.W. 1st. Street, Suite 320
Miami, FL 33128

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director, Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

Ms. Marie Burns
Chief, U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
701 San Marco Blvd.
Jacksonville, FL 32207

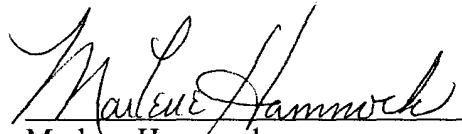
Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resource Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

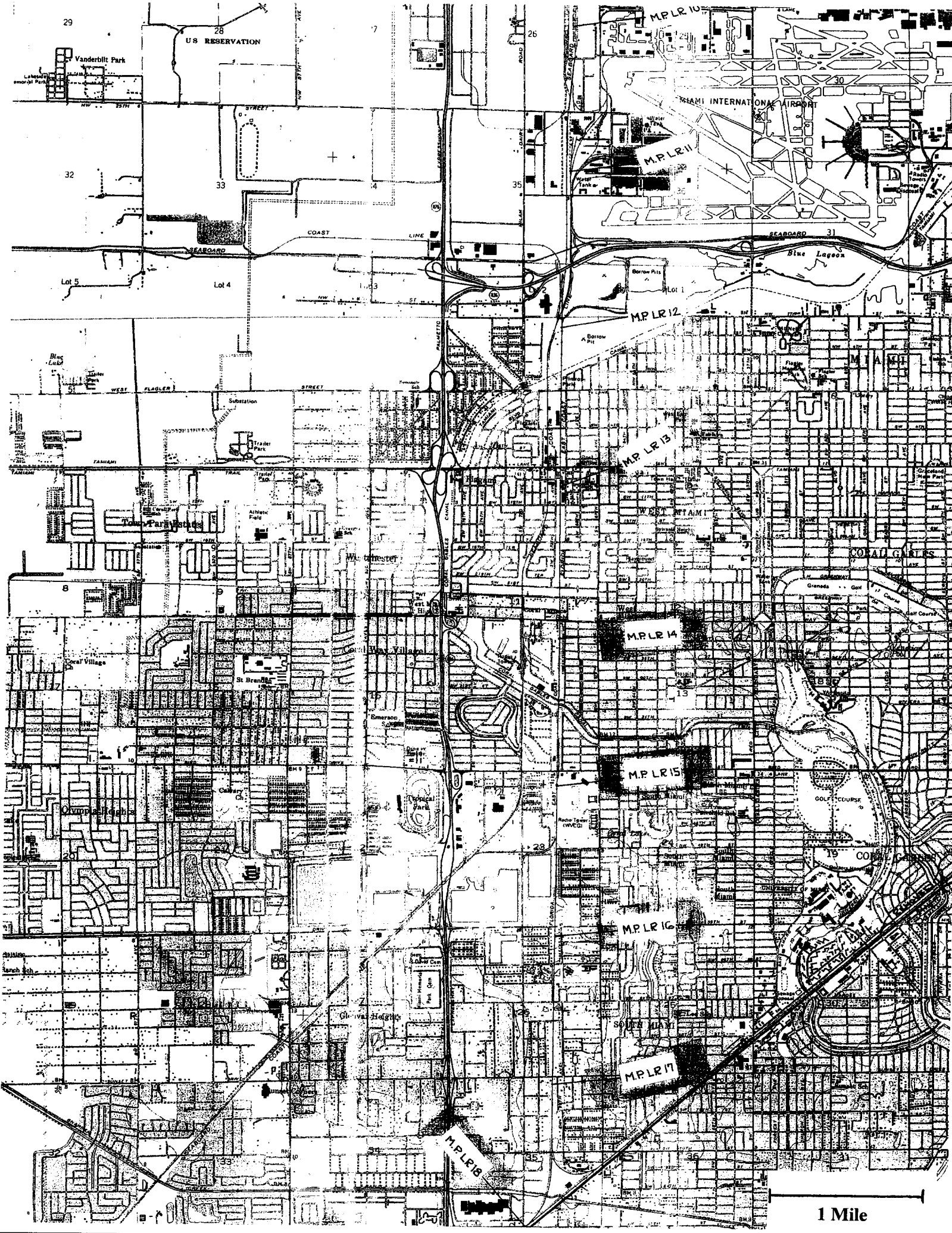
Ms. Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Ms. Diane O'Quinn Williams
Director
Miami-Dade Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, FL 33128

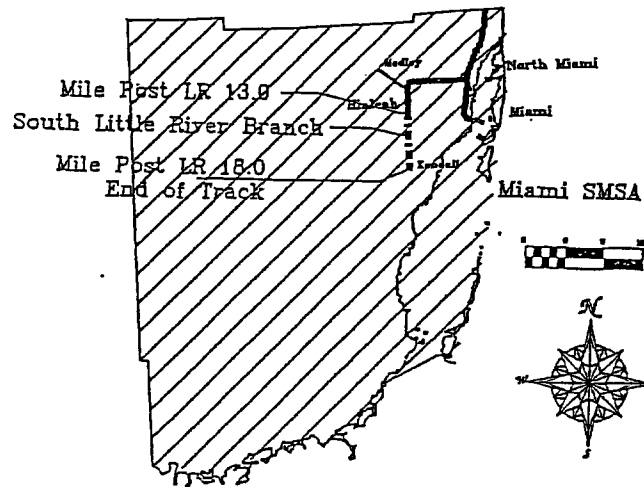

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: April 19, 2005

EXHIBIT 1



Florida East Coast Railway, LLC
Amended System Diagram Map
October 1, 2004



Dade County, Florida

EXHIBIT 2



BEST TRUSS COMPANY, INC.

7035 SW 44th Street, Miami, FL 33155-4843 • Telephone 305-667-8797 • Toll Free 1-800-273-1034 • Fax 305-667-0592

April 12, 2005

TO WHOM IT MAY CONCERN:

We have been advised of the proposed abandonment by Florida East Coast Railway of the South Little River Branch Line from milepost LR 13.0 to milepost LR 18.0, and do not object to the proposed abandonment.

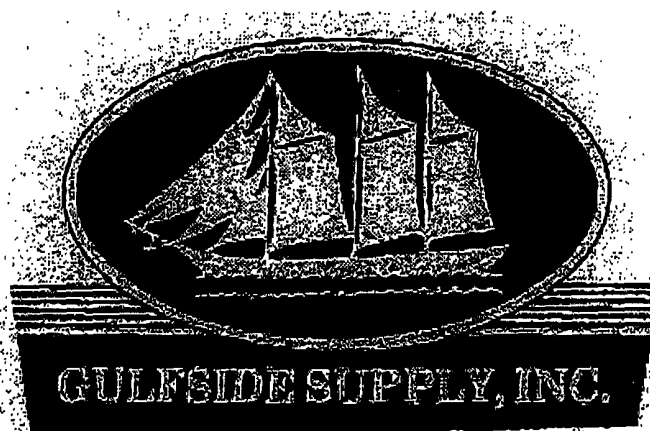
BEST TRUSS COMPANY, INC.

Carlos A. Blume, Vice President

OKM3UD

113

EXHIBIT 3



4241 S.W. 70TH COURT – MIAMI, FL 33155

OFFICE: (305) 668-5055

FAX: (305) 668-5161

April 11, 2005

SUBJECT: Proposed Abandonment – Florida East Coast Railway

To Whom It May Concern:

We have been advised of the proposed abandonment by Florida East Coast Railway of the South Little River Branch Line from milepost LR 13.0 to milepost LR 18.0, and do not object to the proposed abandonment.

Very Truly Yours,

Orlando Alvarez
Branch Manager

EXHIBIT 4



[View Effective](#) [View by Date](#) [View by Road](#) [Issue Embargo](#) [Request User Account](#)

[Submit Embargo Amendment] [Cancel Embargo]

Association of American Railroads

Embargo Notices for: 08/17/2004

Consecutive Sheet:142

Roadmark:

FEC

Railroad:

FLORIDA EAST COAST RAILWAY COMPANY

Embargo Number:

1-2004

Amendment Number:

Current Status:

Effective

Embargo Effective Date:

08/16/2004 23:59

Commodity:

All commodities

Destination Gateway or Territory:

To, From or Via the following station(s)/FSAC Number(s), State(s)
Miami / FSAC No. 346 (Customer Specific) / Florida
Kendall / FSAC No. 357 / Florida

Consigned or Reconsigned To, or Intended For:

Customer(s) specific - List Customer
12th Street End Ramp
Apachee Chemical
Best Truss
Bird Road
CSXT-FEC Interchange
Epperson Crane
Everglades Lumber
Gulfside Supply
Kelly Tractor
Oleander
School Board
South Miami
Tropical Park

Cause:

1. Out of service

Amend:**Exception:**

Specify exception

Effective August 15, 2004, shipments for these specific customers will be accepted at Miami FSAC 346, with the understanding that shipments will be delivered only to FEC 16th Street Public Unloading Facility for transloading by the customer. Customers using the 16th Street Public Unloading Facility may provide their own forklift equipment and necessary flatbed or van-type equipment to perform the unloading operation or this service may be provided by FEC at an additional charge. Questions may be directed to Charles Lynch, VP-Transportation, 904-826-2427, or via e-mail at chlynch@feci.com.

Note:

Supercedes - No



John Carroll
Sr. Asst. VP - Business Services
Association of American Railroads

EXHIBIT 5

-----Original Message-----

From: Embargo@Railinc.com [mailto:Embargo@Railinc.com]
Sent: Friday, February 11, 2005 3:48 PM
To: +FEER Embargoes
Subject: Embargo Cancellation

Association of American Railroads

Consecutive Sheet Number: 056
Embargo Notice for: 11-FEB-05
Road Mark: FEC
Railroad: FLORIDA EAST COAST RAILWAY COMPANY
Embargo Number: 1-2004
Amendment Number:
Status: Cancelled
Embargo Effective Date: 02/11/2005 15:46

Commodity:
All commodities

Destination Gateway or Territory:

To, From or Via the following station(s)/FSAC Number(s), State(s)

Miami / FSAC No. 346 (Customer Specific) / Florida
Kendall / FSAC No. 357 / Florida

Consigned or Reconsigned To or Intended For:
Customer(s) specific - List Customer

12th Street End Ramp
Apachee Chemical
Best Truss
Bird Road
CSXT-FEC Interchange
Epperson Crane
Everglades Lumber
Gulfside Supply
Kelly Tractor
Oleander
School Board
South Miami
Tropical Park

Cause:
Bridge out of service

Amended:

Exception:

Specify exception

Effective August 15, 2004, shipments for these specific customers will be accepted at Miami FSAC 346, with the understanding that shipments will be delivered only to FEC 16th Street Public Unloading Facility for transloading by the customer. Customers using the 16th Street Public Unloading Facility may provide their own forklift equipment and necessary flatbed or van-type equipment to perform the unloading operation or this service may be provided by FEC at an additional charge. Questions may be directed to Charles Lynch, VP-Transportation, 904-826-2427, or via e-mail at chlynch@feci.com.

Note:

Supercedes - No

EXHIBIT 6

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-70 (Sub-No. 4X)

FLORIDA EAST COAST RAILWAY, L.L.C.
--ABANDONMENT EXEMPTION--

IN MIAMI-DADE COUNTY, FLORIDA
(SOUTH LITTLE RIVER BRANCH LINE)

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Florida East Coast Railway, L.L.C. ("FEC") is proposing to abandon a portion of its branch rail line known as the South Little River Branch ("SLR Branch") running from milepost LR 13.0 near Oleander south to an end-of-track at milepost LR 18.0 near Kendall through United States Postal Service ZIP codes 33143, 33144, 33155 and 33156, a total distance of approximately 5.0 miles within Miami-Dade County, Florida. In regard thereto, FEC submits this Combined Environmental and Historic Report in compliance with the reporting requirements of the Surface Transportation Board (the "Board") regulations at 49 C.F.R. §§1105.7 and 1105.8.

ENVIRONMENTAL REPORT – 49 C.F.R. §1105.7(e)

(1) **PROPOSED ACTION AND ALTERNATIVES:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action.

FEC proposes to abandon a portion of the SLR Branch running from milepost LR 13.0 near Oleander south to end-of-track at milepost LR 18.0 near Kendall through United States Postal Service ZIP codes 33143, 33144, 33155 and 33156, a total distance of approximately 5.0 miles within Miami-Dade County, Florida. The portion of the SLR Branch from milepost LR 15.5 to milepost LR 18.0 has not been used to handle any rail traffic for more than two years.

The only active shippers who have used the portion of the SLR Branch from milepost LR 13.0 to milepost LR 15.5 during the past three years are Gulfside Supply, Inc. ("Gulfside") and Best Truss Company, Inc. ("Best Truss"). Gulfside is a roofing material distributor, whose facility is located at milepost LR 15.0. Gulfside received rail shipments of roofing materials at its facility from February 2003 until August 2004, when FEC was forced to embargo the SLR Branch due to the need to perform emergency bridge repair work at milepost LR 12.23. Gulfside's inbound rail traffic totaled 5 rail cars in 2003 and 23 rail cars in 2004. Gulfside had no outbound rail traffic. At the time of the embargo, Gulfside shifted this inbound rail traffic to truck, which it has continued to use after the lifting of the embargo in February 2005.

Best Truss manufactures and sells roof trusses and used the SLR Branch to ship lumber to its facility located at milepost LR 15.2. Best Truss' inbound rail traffic totaled 35 rail cars during 2002, 33 rail cars during 2003 and 32 rail cars during 2004, less than one rail car per week. Best Truss had no outbound rail traffic. Best Truss shifted its traffic to a rail-truck transload movement via FEC's nearby 16th Street Public Unloading Facility at the time of the August 2004 embargo. Best Truss has continued to route its traffic via this facility since the lifting of the embargo in February 2005.

No rail traffic has been moved across the SLR Branch between milepost LR 13.0 and LR 15.5 since August 2004.

There are no reasonable alternatives to the proposed abandonment. FEC intends to remove track materials, such as rail and ties, but to leave the underlying roadbed intact. FEC does not intend to perform any activities that would cause sedimentation or erosion of the soil.

A copy of FEC's system diagram map delineating the area of the proposed abandonment is attached as Attachment 1.

(2) TRANSPORTATION SYSTEM: Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment would not have any effect on regional or local transportation systems or patterns. The SLR Branch from milepost LR 15.5 to LR 18.0 has been out of service for over two years, and no rail service has been provided on the SLR Branch from milepost LR 13.0 to milepost LR 15.5 since August 2004. (See Paragraph 1 above).

(3) LAND USE

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

FEC has reviewed planning documents of the area of the proposed abandonment and believes the proposed action is consistent with all local land use plans. The Miami-Dade Department of Planning and Zoning was notified by letter dated February 25, 2005 of the proposed abandonment. See Attachment 2. As of the date of this report, the Miami-Dade Department of Planning and Zoning has not responded. FEC will provide the Board copies of any response it receives.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture, Natural Resource Conservation Service, was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 10, 2005 concurred that the proposed abandonment would not have any effect on any prime agricultural land. See Attachment 3.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.

The Florida Department of Environmental Protection, Water Resource Management and Florida Coastal Management Program, were notified by letters dated February 25, 2005 of the proposed abandonment. By letter dated March 2, 2005, the Florida State Clearing House staff of the Florida Department of Environmental Protection concurred that the proposed abandonment would have no effect on coastal zone management. See Attachment 4.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

FEC believes that the portion of the SLR Branch proposed for abandonment is not suitable for purposes such as roads or highways, other forms of mass transportation, conservation or energy production or transmission, as the area is adequately served by existing roads, utilities and other infrastructure. A portion of the SLR Branch proposed to be abandoned may be suitable for use as a recreational facility.

(4) ENERGY

(i) Describe the effect of the proposed action on transportation of energy resources.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004, and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber. The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber. The proposed abandonment will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in an increase or decrease in overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year: or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not cause diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

(i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton mile annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in any increase in rail traffic, train activity or daily yard activity.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in traffic or rail yard activity increases that exceed the thresholds above.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon is contemplated, identify: The materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety records (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve or affect the transportation of ozone depleting materials. There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber.

(6) **NOISE**

If any of the threshold identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater.

The thresholds identified in item (5)(i) have not and will not be surpassed.

(7) **SAFETY**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no adverse effect upon public health or safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve or affect the transportation of hazardous materials.

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

FEC's records do not indicate that there are any hazardous waste sites, or sites where there have been hazardous material spills, on the SLR Branch.

(8) **BIOLOGICAL RESOURCES**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. See Attachment 5. As of the date of this report, no response has been received in regard to the proposed abandonment. FEC will provide the Board copies of any response it receives.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

FEC does not believe the proposed abandonment will affect any wildlife sanctuaries or refuges, National or State parks or forests. The National Park Service, Southeast Region, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 5 and 6. As of the date of this report no response has been received in regard to the proposed abandonment. FEC will provide the Board copies of any response it receives.

(9) WATER

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Florida Department of Environmental Protection, Water Resource Management, was notified of the proposed abandonment by letter dated February 25, 2005. See Attachment 4. As of the date of this report no response has been received. FEC will provide the Board with copies of any response it receives.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The U.S. Army Corps of Engineers was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 18, 2005 advised that the proposed abandonment is not located in navigable waters, does not require permits under Section 404 and will not involve the discharge of dredged or fill material into U.S. waters. See Attachment 7.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

The U.S. Environmental Protection Agency and the Florida Department of Environmental Protection, Water Resource Management, were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 4 and 8. As of the date of this report no response has been received. FEC will provide the Board copies of any response it receives.

(10). MITIGATION.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto, which traffic was the transporting of building materials and lumber. The proposed abandonment will not have any adverse environmental impacts in the project area; therefore, mitigating action will not be necessary.

HISTORIC REPORT – 49 C.F.R. § 1105.8(d)

(1) Map. A U.S.G.S topographic map showing the location of the portion of the SLR Branch proposed to be abandoned is attached hereto as Appendix 1. There are no railroad structures on the SLR Branch that are 50 years old or older.

(2) Description of Line. The portion of the SLR Branch proposed to be abandoned is a branch line of FEC running from milepost LR 13.0 to milepost LR 18.0, a distance

of approximately 5 miles. The SLR Branch right-of-way varies in width from 60 feet to 130 feet, with most of the right-of-way having a width of 100 feet. The SLR Branch runs through commercial and industrial areas as well as medium and rural residential areas.

(3) **Photographs.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(4) **Information on Structures.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(5) **Brief History of Operations.** The portion of the right-of-way of the SLR Branch proposed to be abandoned was acquired by FEC from 1923 through 1925, with the exception of three parcels, one of which was acquired in 1929 and the other two of which were acquired in 1971. Most of the SLR Branch was constructed in 1932 and has been used by FEC primarily to serve local shippers. No traffic has moved on the portion of the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years and no traffic has moved on the portion of the SLR Branch from milepost LR 13.0 to milepost LR 15.5 since August 2004. No operational changes are contemplated as a result of the proposed abandonment of the SLR Branch.

(6) **Engineering Documents.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(7) **Historic Criteria.** FEC does not believe, based on readily available information in its possession, that the SLR Branch meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe there is a likelihood of archeological resources or any other previously unknown historic properties in the project area. The Florida Department of State, Bureau of Historic Preservation was notified by letter dated February 27, 2005 of the proposed abandonment and by letter

dated March 25, 2005 advised that no historic properties are known to exist in the area of the proposed abandonment. See Appendix 2 attached hereto.

(8) **Ground Disturbances.** Based on readily available information in its possession, other than the construction of the SLR Branch line (most of which occurred in 1932), FEC does not know of any other subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources and the surrounding terrain.

CERTIFICATE OF SERVICE

I, Marlene Hammock, hereby certify that Florida East Coast Railway, L.L.C. has consulted with all appropriate agencies in preparing the foregoing Combined Environmental and Historic Report and that on March 29, 2005 a copy of the foregoing report was served via Federal Express, upon each of the following agencies as designated in 49 C.F.R. §1105.7(b):

Ms. Laura P. Milligan
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Sally B. Mann
Director, Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Mr. Joe Martinez
Chairman
Board of County Commissioners
Miami-Dade County
111 N.W. 1st. Street, Suite 320
Miami, FL 33128

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

Ms. Marie Burns
Chief
U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
701 San Marco Blvd.
Jacksonville, FL 32207

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

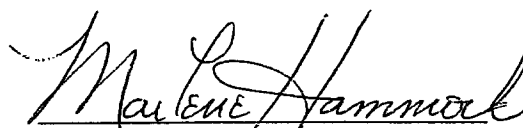
Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resource Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Ms. Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Ms. Diane O'Quinn Williams
Director
Miami-Dade Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, FL 33128

A handwritten signature in cursive script, reading "Marlene Hammock". The signature is written in dark ink and is positioned above the printed name and title.

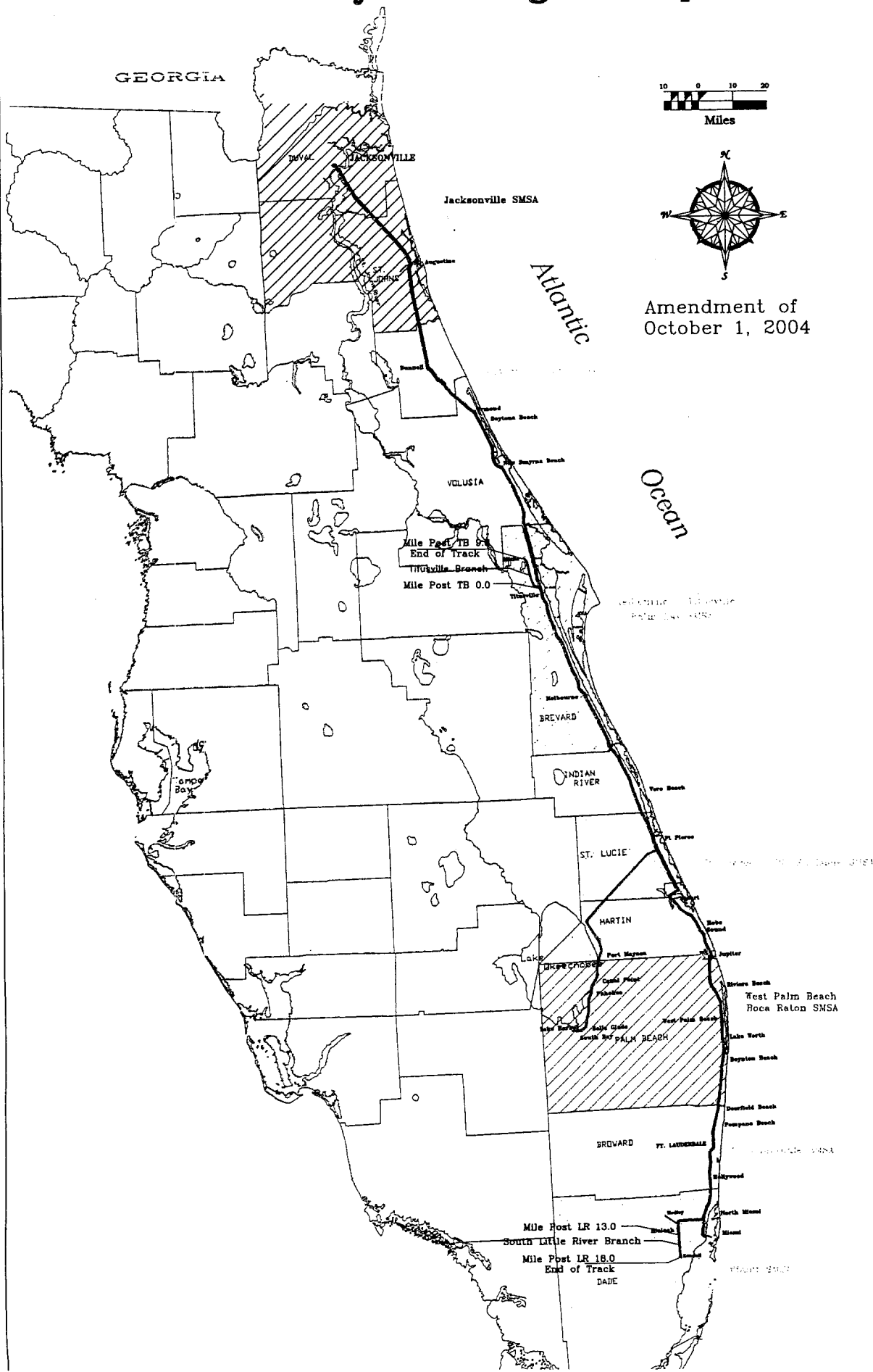
Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: March 29, 2005

ATTACHMENT 1

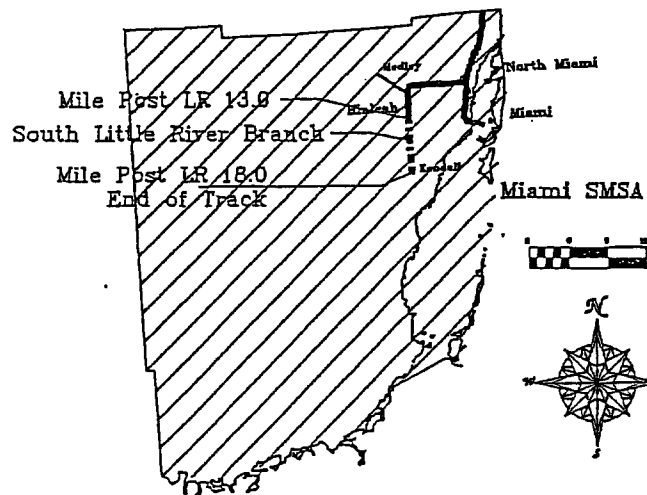
Florida East Coast Railway, LLC

Amended System Diagram Map



Florida East Coast Railway, LLC
Amended System Diagram Map

October 1, 2004



Dade County, Florida

ATTACHMENT 2

February 25, 2005

Diane O'Quinn Williams
Director
Miami-Dade Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, FL 33128

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. O'Quinn Williams:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning the following branch railroad line:

a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

A map showing the location of this branch line is attached for your reference.

The proposed abandonment of this rail line requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

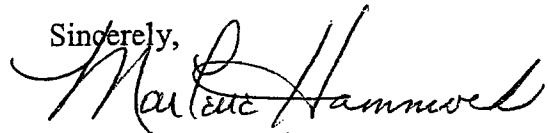
"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies." 49 C.F.R. §1105.7(e)(3)(i).

FEC believes the proposed action is consistent with existing land use plans. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions, please do not hesitate to contact me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

ATTACHMENT 3

February 25, 2005

Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Glasgow:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost L-15.5 to milepost LR-18.0 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

United States Department of Agriculture



NRCS

Natural
Resources
Conservation
Service

P.O. Box 141510
Gainesville, FL 32614
Phone: (352) 338-9533
<http://www.fl.nrcs.usda.gov>

2614 NW 43rd Street
Gainesville, FL 32606
Fax: (352) 338-9578

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAR 17 2005

FLORIDA EAST COAST INDUSTRIES

March 10, 2005

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C
One Malaga Street
PO Box 1048
St. Augustine, FL 32085-1048

RE: Florida East Coast Railway L.L.C./Abandonment Exemption

Dear Ms. Hammock:

This is in response to your request for comments on the referenced abandonment. We concur that the proposed abandonment will not have any effect on any prime agricultural land.

If I can be of further assistance, please contact me at (352) 338-9535.

Sincerely,

Warren Henderson

Warren Henderson
State Soil Scientist

ATTACHMENT 4

February 25, 2005

Mimi Drew
Director, Water Resource Management
Florida Department of Environmental Protection
Mail Station 3500
2600 Blair Stone Road
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Drew:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

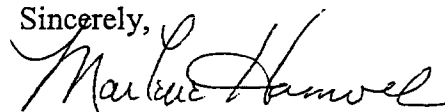
The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether (based on consultation with State water quality officials) the proposed action is consistent with applicable Federal, State or local water quality standards, and whether permits under section 402 of the Clean Water Act are required for the proposed action. See 49 C.F.R. §1105.7(e)(9).

FEC believes the proposed action is consistent with applicable federal, state and local water quality standards, and that no permit is required under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the roadbed intact. The crossties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

February 25, 2005

Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Griffin :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether the proposed action affects land or water uses within a designated coastal zone. See 49 C.F.R. § 1105.7(e)(3)(iii). If the proposed abandonment would have such effects, FEC must provide the information required by 49 C.F.R. § 1509.

In regard to 49 C.F.R. § 1509, FEC does not believe that the proposed action conflicts with Florida's coastal zone management plan or requires a consistency review. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, reading "Marlene Hammock". The signature is written in dark ink and is positioned above the printed name and title.

Marlene Hammock
Assistant Secretary

Enc.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

March 2, 2005

Ms. Marlene Hammock, Assistant Secretary
Florida East Coast Railway, LLC
P.O. Drawer 1048
St. Augustine, FL 32085-1048

RE: Intermodal Surface Transportation Board – Abandonment Exemption – Florida East Coast Railway, LLC, Titusville and South Little River Branch Lines – Brevard and Miami-Dade Counties, Florida.
SAI # FL200503010509C

Dear Ms. Hammock:

Florida State Clearinghouse staff, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has reviewed the referenced railroad line abandonment notice.

Based on the information contained in the notice, the State Clearinghouse concurs with the applicant's determination of no effect on coastal zone resources, pursuant to 15 CFR 930.35. Staff also notes the applicant's intention to comply with federal, state, and local environmental regulations. Please note that we have forwarded copies of your notice to the Florida Department of Environmental Protection/Office of Greenways and Trails, Florida Department of Transportation, and Florida Department of State/Division of Historical Resources for informational purposes.

Thank you for the opportunity to review this proposal. If you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2163.

Sincerely,

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm

cc: Jim Wood, DEP, OGT
Charlotte Hand, FDOT
Scott Edwards, DOS

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAR 07 2005

FLORIDA EAST COAST INDUSTRIES

"More Protection, Less Process"

Printed on recycled paper.

ATTACHMENT 5

February 25, 2005

Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, Georgia 30345

Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Hamilton and Ms. Poole:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with

obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

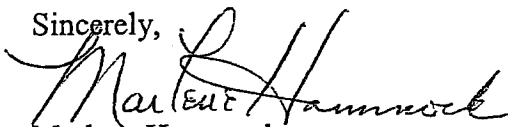
- “(i) Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.”
- “(ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected, and describe any effects.” See 49 C.F.R. § 1105.7(e)(8).

FEC believes that the proposed abandonment is not likely to adversely affect endangered or threatened species or areas designated as a critical habitat, nor is it likely to affect wildlife sanctuaries or refuge, National or State parks or forests. It is FEC's current intention to remove the track material, such as rail and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,


Marlene Hammock
Assistant Secretary

Enc.

ATTACHMENT 6

February 25, 2005

Via Federal Express

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Hooks:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.0 has not been used to handle any rail traffic for more than two years

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:


- "(ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected [by the proposed abandonment], and describe any effects." 49 C.F.R. § 1105.7(e)(8)(ii).

FEC does not believe that the proposed abandonment will affect any wildlife sanctuary or refuge, National or State park or forest. It is FEC's current intention after the abandonment to remove the track material, such as track and ties. FEC does not intend to disturb any of the underlying roadbeds. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock
Assistant Secretary

Enc.

ATTACHMENT 7

February 25, 2005

Marie Burns
Chief

U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
~~2460 North Courtenay Parkway, Suite 204~~
Jacksonville, FL 32225-0819

701 San Marco Blvd

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Burns:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to milepost LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

"Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects." 49 C.F.R. § 1105.7(e)(9)(ii).

FEC does not believe that a permit under Section 404 of the Clean Water Act is required in connection with the proposed abandonment. There will be no adverse impact on designated wetlands or 100 year flood plains. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
400 High Point DR Suite 600
Cocoa, FL 32926

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

Regulatory Division
North Permits Branch
SAJ-2005-2345

MAR 24 2005

FLORIDA EAST COAST INDUSTRIES MAR 18 2005

Florida East Coast Railway, L.L.C.
One Malaga Street
P.O. Drawer 1048
St. Augustine, FL 32085-1048

Dear Mrs. Marlene Hammock:

Reference is made to the application received on March 4, 2005, for a Department of the Army permit to abandon portions of two of its branch railroad lines. The work involves the removal of track material, such as rail and ties. The underlying roadbeds will not be disturbed and debris will be removed to an upland site. The railroad lines are located between milepost TB-0.00 north and the milepost TB-9.8 in Brevard County and between milepost LR-13 south to milepost LR-18 in Dade County, Florida. The application has been assigned number 05-2345.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

A U.S. Army Corps of Engineers' (Corps) "Basis for Jurisdiction" form is enclosed for your information and file. You are hereby advised that you have certain options available to you. These are outlined in the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form. It is very important that you read and understand the options provided. Should you choose to appeal the Corps' decision, your appeal should be directed to Commander, South Atlantic Division, U.S. Army Corps of Engineers, Attention: Appeals Review Officer, CESAD-CM-CO-R, Room 9M15, 60 Forsyth St., SW., Atlanta, Georgia 30303-8801.

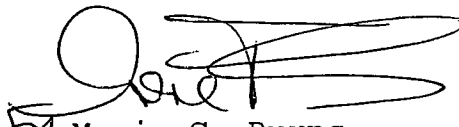
This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if Federally listed species or their habitat are present on your project site. If it is determined that Federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-763-2177, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Rebecca Hodgins at the letterhead address or by telephone at 321-504-3771 ext 10.

Thank you for your cooperation with our permit program.

Sincerely,



Marie G. Burns
Chief, Regulatory Division

Enclosures

Copies furnished:

CESAJ-RD-SS-A

Attn: Paul Kruger

ATTACHMENT 8

February 25, 2005

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Palmer:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether permits under section 402 of the Clean Water Act are required for the proposed action. 49 C.F.R. §1105.7(e)(9)(iii).

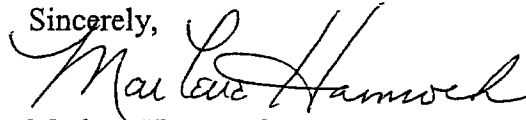
FEC does not believe that the proposed action requires a permit under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rails and ties. The ties and/or other debris will be properly disposed of and will

not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

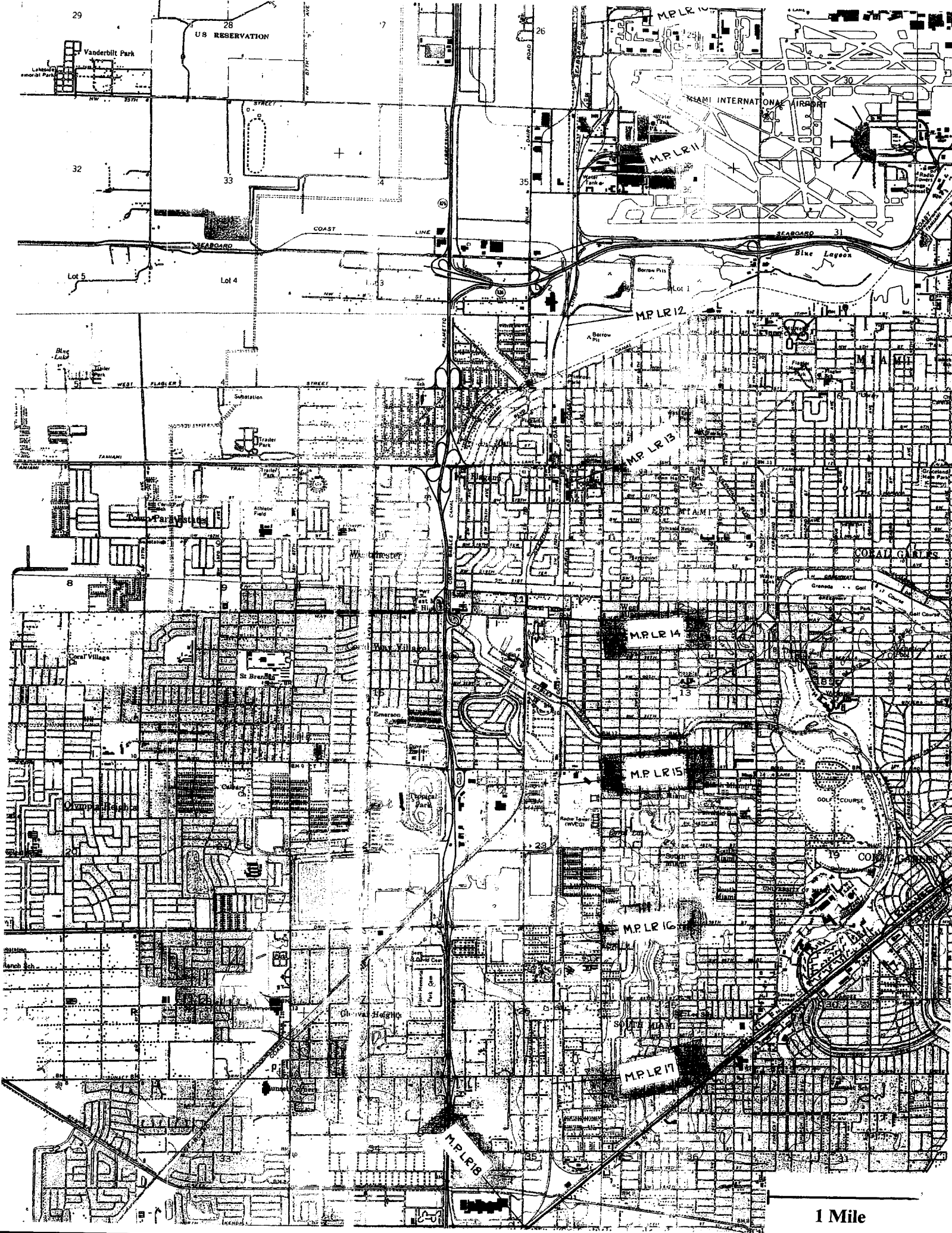
Sincerely,

A handwritten signature in cursive script, reading "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

APPENDIX 1



APPENDIX 2

February 25, 2005

Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Kammerer :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

"An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities." 49 C.F.R. § 1105.8(d)(7).

It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the underlying bed intact. There are no buildings or other like structures on the lines, other than a small trestle bridge over a culvert on the Little River Branch approximately 9 feet in length that was built in the 1950's originally with wood stringers and 90# rail, and is now made of steel stringers with 112# rail. Based upon available information, FEC does not believe that there is any site or structure involved in the proposed abandonment that meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe that there are any archeological resources or any other previously unknown historic properties in the area of the proposed abandonments.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, reading "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C.
P.O. Drawer 1048
St. Augustine, Florida 32085-1048

March 25, 2005

RE: DHR Project File Number: 2005-2385
Received by DHR February 28, 2005
Surface Transportation Board - Abandonment Exemption
▪ Titusville Branch Line- Milepost TB 0.00 to TB 9.8
▪ South Little River Branch - Milepost LR 13 to LR 15.5
Brevard and Miami-Dade Counties

Dear Ms. Hammock:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

We have reviewed the Florida Master Site File and our records and no historic properties are known to exist in the areas of potential effect. We look forward to reviewing the "Environmental and Historic Report" in order to complete the process of reviewing the impact of this proposed undertakings on historic properties.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail sedwards@dos.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

Laura R. Kammerer, Deputy SHPO

for Frederick Gaske, Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

EXHIBIT 7



MARLENE HAMMOCK
ASST. GENERAL COUNSEL

APR 06 2005

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

FLORIDA EAST COAST INDUSTRIES

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C.
P.O. Drawer 1048
St. Augustine, Florida 32085-1048

March 31, 2005

RE: DHR Project File Number: 2005-2788 (2005-2385)
Received by DHR February 28, 2005
Surface Transportation Board - Abandonment Exemption
STB Docket No. AB-70 (Sub-No. 4X) - Proposed Abandonment of South Little River Branch
Railway Line - Milepost LR 13 to LR 18.0
Miami-Dade County

Dear Ms. Hammock:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Based on our review of the *Environmental and Historic Report* and our records, it is the opinion of this office that the proposed abandonment will have no effect on historic properties.

However, this office requests that the South Little River Branch Railway Line from milepost LR 13 to LR 18.0 be documented. This documentation should include a completed Florida Master Site File Structure form (enclosed), current photograph and location map and be forwarded to this office.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail sedwards@dos.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

Laura A. Kammerer, Deputy SHPO

for Frederick P. Gaske, Director, and
State Historic Preservation Officer

Enclosure

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

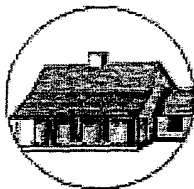
☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

- ☐ Original
☐ Update
 (give site#)



HISTORICAL STRUCTURE FORM FLORIDA MASTER SITE FILE

Version 3.0 11/96

Consult Guide to Historical Structure Forms for detailed instructions.

Site #8 _____
 Recorder # _____
 Field Date ____/____/____
 Form Date ____/____/____

Site Name(s) (address if none) _____ **Multiple Listing [DHR only]**
 Survey _____ Survey # _____
 National Register Category (Please check one: consult with Site File before using last four): ☐ building ☐ structure ☐ district ☐ site ☐ object

LOCATION & IDENTIFICATION

Address (include N,S,E,W; #, St., Ave., etc.) _____
 Cross Streets (nearest / between) _____
 City / Town (within 3 miles) _____ In Current City Limits: ☐ y ☐ n ☐ unknown
 County _____ Tax Parcel #(s) _____
 Subdivision name _____ Block _____ Lot _____
 Ownership (Please check one): ☐ private-profit ☐ private-individual ☐ city ☐ county ☐ Native American
☐ private-nonprofit ☐ private-unspecified ☐ state ☐ federal ☐ foreign ☐ unknown
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) _____

MAPPING

USGS 7.5' Map Name & Date _____
 Township _____ Range _____ Section _____ ¼ section: ☐ NW ☐ SW ☐ SE ☐ NE ☐ irregular-name: _____
 Landgrant _____ UTM: Zone ☐ 16 ☐ 17 Easting _____ 0 Northing _____ 0
 Plat or other map (map's name, location) _____

DESCRIPTION

Style* _____ Exterior Plan* _____ Number of Stories _____
 Structural System(s)* _____
 Foundation: Type(s)* _____ Material(s)* _____
 Exterior Fabric(s)* _____
 Roof: Type(s)* _____ Material(s)* _____
 Roof secondary strucs. (dormers etc.)* _____
 Chimney: No. _____ Material(s)* _____ Location(s)* _____
 Windows (types, materials, etc.)* _____
 Main Entrance (stylistic details) _____
 Porches: #open _____ #closed _____ #incised _____ Location(s) _____
 Porch roof type(s) _____
 Exterior Ornament _____

Interior Plan* _____
 Condition (Please check one): ☐ excellent ☐ good ☐ fair ☐ deteriorated ☐ ruinous
 Surroundings (N=None, S=Some, M=Most, A=All/nearly all): _____ commercial _____ residential _____ institutional _____ undeveloped
 Ancillary Features (No., type of outbuildings; major landscape features. Use continuation sheet for descriptions of interior, landscaping, etc) _____

Archaeological Remains _____ ☐ Check if Archaeological Form completed


* Consult Guide to Historical Structure Forms for preferred descriptions (coded fields at the Site File).

DHR USE ONLY		OFFICIAL EVALUATIONS		DHR USE ONLY	
NR DATE ____/____/____	KEEPER-NR ELIGIBILITY <input type="checkbox"/> yes <input type="checkbox"/> no	Date	____/____/____		
DELIST DATE ____/____/____	SHPO-NR ELIGIBILITY <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> potentially-elig <input type="checkbox"/> insufficient info	Date	____/____/____		
	LOCAL DESIGNATION	Date	____/____/____		
	Local office				
National Register Criteria for Evaluation <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d (See National Register Bulletin 15, p. 2)					

EXHIBIT 8

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-70 (Sub-No. 4X) was advertised in The Miami Herald, a newspaper of general circulation in Miami-Dade County, Florida, (copy attached hereto) as required by 49 C.F.R. § 1105.12.

A handwritten signature in cursive script, appearing to read "Marlene Hammock", written over a horizontal line.

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: April 15, 2005

The Miami Herald

www.herald.com
www.elherald.com

**PUBLISHED DAILY
MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

Before the undersigned authority personally
appeared:

JEANNETTE MARTINEZ

who on oath says that he/she is

CUSTODIAN OF RECORDS

of The Miami Herald, a daily newspaper published at
Miami in Miami-Dade County, Florida; that the
attached copy of advertisement was published in said
newspaper in the issues of:

March 31, 2005

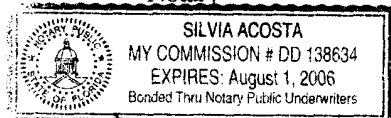
Affiant further says that the said The Miami Herald
is a newspaper published at Miami, in the said
Miami-Dade County, Florida and that the said
newspaper has heretofore been continuously published
in said Miami-Dade County, Florida each day and has
been entered as second class mail matter at the post
office in Miami, in said Miami-Dade County, Florida,
for a period of one year next preceding the first
publication of the attached copy of advertisement;
and affiant further says that he has neither paid nor
promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspapers(s).

Sworn to and subscribed before me this
_31st of March 2005

My Commission

Expires: August 1, 2006
Silvia Acosta

Notary



Board, Washington, DC 20423, a petition for exemption under U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a five mile branch line of railroad between railroad milepost LR 13.0 near Olander to railroad milepost 18.0 near Kendall, which traverses through United States Postal Service ZIP codes 33143, 33144, 33155, and 33156 in Dade County, Florida. The proceeding has been docketed as No. AB-70 (Sub-No.4X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-565-1500.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Request for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1500. Copies of any comments or request for conditions should be served on the applicant's representative. Marlene Hammock, Assistant Secretary, Florida East Coast Railway, One Malaga Street, St. Augustine, Florida 32085.

LEGAL NOTICE

Florida East Coast Railway gives notice that on or about April 19, 2005, it intends to file with the Surface Transportation

EXHIBIT 9

CERTIFICATE OF SERVICE

I, Marlene Hammock, hereby certify that Florida East Coast Railway, L.L.C. has consulted with all appropriate agencies in preparing the foregoing Combined Environmental and Historic Report and that on March 29, 2005 a copy of the foregoing report was served via Federal Express, upon each of the following agencies as designated in 49 C.F.R. §1105.7(b):

Ms. Laura P. Milligan
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Sally B. Mann
Director, Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Mr. Joe Martinez
Chairman
Board of County Commissioners
Miami-Dade County
111 N.W. 1st. Street, Suite 320
Miami, FL 33128

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

Ms. Marie Burns
Chief
U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
701 San Marco Blvd.
Jacksonville, FL 32207

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

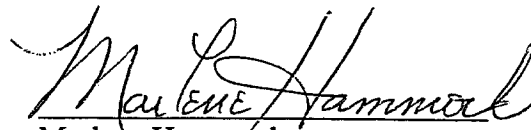
Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resource Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Ms. Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Ms. Diane O'Quinn Williams
Director
Miami-Dade Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, FL 33128

A handwritten signature in cursive script, reading "Marlene Hammock". The signature is written in dark ink and is positioned above the printed name.

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: March 29, 2005

EXHIBIT 10

EXHIBIT 11

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-70 (Sub-No. 4X) was mailed via Federal Express, overnight mail on April 7, 2005 to the following parties:


Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida
32399-0850

José Abreu
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

SDDCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Ms. Patricia A. Hooks
Regional Director, Southeast Region
Recreation Resources Assistance Division
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Mr. Dale Bosworth
Chief of the Forest Service
U.S. Department of Agriculture
Yates Building
201 14th Street, S.W.
Washington, D.C. 20024


Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: April 15, 2005